

**Statement of Chairman Christopher H. Smith
Subcommittee on Africa, Global Human Rights, and International Operations**

Markup of H.Res. 578

February 28, 2006

I introduced H.Res. 578 to express my deepest disappointment that the Romanian Government has instituted a virtual ban on intercountry adoptions. This ban has serious implications for the welfare and well-being of orphaned or abandoned children in Romania. Last September, I chaired a hearing of the Commission on Security and Cooperation in Europe which explored these issues in depth. H.Res. 578 has 24 co-sponsors and, on February 14, it was reported favorably by the Subcommittee on Europe and Emerging Threats.

The world first learned in 1989 that 100,000 underfed, neglected children were living in hundreds of squalid and inhumane institutions throughout Romania. Between 1990 and 2004, more than 8,000 of these children found permanent families in the United States; thousands of others joined families in Western Europe and elsewhere.

Sadly, Romania's child abandonment rate hasn't changed significantly in 30 years. Today, approximately 80,000 children still live either in institutions or in non-permanent settings such as "foster care."

Hopefully, a time will come when child abandonment in Romania is just a painful memory. And hopefully, the country will someday have the capacity to help all the children in need. But that day has not yet come and today there is a great need for adoption—both foreign and domestic. But despite this need, and the positive outcomes of most adoptions, outrageous and unsubstantiated allegations have been made about the fate of adopted children and the qualifications and motives of those who adopt internationally. Baroness Emma Nicholson, a Member of the European Parliament who until recently served as rapporteur for Romania's accession to the European Union, equates intercountry adoption with child trafficking for pedophiles and slavery rings. She believes that it is "totally false" to assume that for a child, a foreign adoptive family is better than the family which can not care for him. Earlier this month she publicly equated pro-adoption advocates with organized criminals. Rather than focusing on the best interests of the child, Romanian policy makers caved in to Nicholson by banning intercountry adoption in an effort to secure Romania's EU accession.

When the ban was enacted there were approximately 200 cases pending in which children had been matched with adoptive parents in the United States; approximately a thousand more had been matched with parents in Western Europe, Israel or Australia. These cases will be denied if the Romanian Government applies the ban retroactively.

Each of these pipeline cases involves a prospective family who has proven their good faith by waiting for years for these children. Many cases involve older children, Roma children, and

children with special medical needs who will not be domestically adopted in Romania. In at least 3 cases, children with severe medical needs are already in the U.S. on medical visas and living with their prospective adoptive parents. Each was abandoned at birth and were legally adoptable until the new adoption law took effect. If returned to Romania they will live in institutions and will not receive the medical care they need.

Passage of H. Res. 578 will put the Congress on record

- supporting the Romanian Government's desire to improve the standard of care and well-being of children;
- urging the Government to complete the processing of the intercountry adoption cases which were pending when the ban was enacted;
- urging the Government to decrease barriers to adoption, both domestically and intercountry;
- urging the State Department and USAID to work with Romania to achieve these ends; and
- requesting that the EU and its member States not impede Romania's efforts to place orphaned or abandoned children in permanent homes.

H.Res. 578 is premised on the belief that all children deserve to be raised in permanent families. The Romanian Government's current laws and policies do not reflect this principle. I strongly urge my colleagues to support this resolution.